



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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**JUN 15 2010**

Ref: 8EPR-N

Joe Incardine, EIS Project Manager  
Bureau of Land Management  
440 West 200 South, Suite 500  
Salt Lake City, UT  
84145-0155

Re: Final EIS for the UNEV Pipeline  
CEQ # 20100125

Dear Mr. Incardine:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Final Environmental Impact Statement (FEIS) for the UNEV Pipeline in accordance with EPA's responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, *et seq.*, and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609. This FEIS was prepared by the U.S. Bureau of Land Management (BLM) to analyze the impacts related to the establishment of a utility corridor and right-of-way and the construction of a 399-mile long underground pipeline to convey petroleum products from an inlet pumping station at the refineries near Woods Cross, Utah, to a terminal located in Apex Industrial Park north of Las Vegas in Clark County, Nevada. The project also includes a 2-mile long lateral line to the Salt Lake City Airport and a 9-mile long lateral line and terminal near Cedar City, UT.

EPA is satisfied that most of its primary concerns about impacts to the Jacobs Smelter Superfund Site, wetlands, and water resources, and insufficient and/or inconclusive analysis criteria used in determining air quality impact projections in the Draft Environmental Impact Statement (DEIS) have been adequately addressed in the FEIS. In particular, EPA is pleased that additional analyses were performed and documented in the FEIS and Appendices (e.g., Seismic Hazard Overview in Appendix I and Wetland Mitigation in Appendix J). EPA also appreciates the use of italics for text added after the DEIS was published in response to comments so that the reader can easily locate the new information.

## **Jacobs Smelter Superfund Site**

Regarding EPA comments on the Jacobs Smelter Superfund Site, EPA stated in a May 12, 2010 letter to the Utah Department of Transportation and the attorneys for this project:

EPA is revisiting the boundaries of the site. Based on sampling data and our current understanding of historical actions at the site, it appears that your property is not presently considered by EPA to be a part of the Jacobs site that will require cleanup action, unless new information warranting further Superfund consideration or conditions not previously known to EPA regarding the property are discovered.

EPA is satisfied with the additional information on this site that is now included in the FEIS in response to EPA's comments on the DEIS.

## **Wetlands and Water Resources**

The FEIS states that an individual Clean Water Act (CWA) § 404 permit for the discharge of dredged or fill material will be required from the U.S. Army Corps of Engineers (Corps) for construction of the pipeline. This action would trigger the need for a detailed CWA § 404(b)(1) Guidelines (Guidelines) alternative analysis (40 C.F.R. Part 230). Pursuant to the Guidelines, no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic ecosystem, as long as the alternative does not have other significant adverse environmental consequences (40 C.F.R. § 230.10(a)).

EPA continues to have concerns about the impacts of this project on aquatic resources and the FEIS disclosure of these impacts. Section 4.6 Water Resources of the FEIS, compares the impacts of the alternatives on jurisdictional wetlands (Proposed Action/Preferred Alternative – 52.84 acres; Airport Alternative – 18.77; Tooele County Alternative – 0.079 acres; and Millard County Alternative – 0.12 acres). Based on this comparison, it appears that the preferred alternative is not the Least Environmentally Damaging Practicable Alternative (LEDPA) as required by the Guidelines. As discussed above, the Corps can only issue a CWA § 404 permit for the LEDPA, therefore it is possible that the preferred alternative may not be able to be permitted for purposes of the CWA after the Corps undertakes its Guidelines analysis for the individual CWA § 404 permit.

EPA is confused by what appears to be conflicting information in the FEIS regarding the short-term and long-term impacts of wetland function due to the pipeline. According to the BLM response in Appendix L, the Corps stated that the installation of an underground pipeline would likely result in no losses of existing wetland function. However, the FEIS states that 52.84 acres of jurisdictional wetlands would be impacted by the pipeline. EPA believes that even if best management practices are correctly implemented, losses to wetland functions such as changes to vegetation composition and hydrologic modifications will occur.

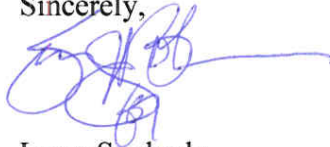
The FEIS does not evaluate the types of bank stabilization that would have the least environmental impacts. Significant progress has been made in the field of bank erosion protection that allow for a more natural river system. EPA recommends BLM work with the Corps to ensure the most protective bank stabilization requirements are included in the CWA § 404 permit for this project.

### Air Quality

Regarding impacts to air quality, EPA commends the BLM for updating existing air quality conditions (e.g., visibility and attainment status), disclosing emissions, and developing mitigation strategies to reduce impacts. However, BLM did not include a formal dust control plan in their Plan of Development (POD). Also, the website for the POD is provided in Appendix L, but EPA has tried unsuccessfully on numerous occasions to access the website. The only means that EPA had to review the POD was through an ftp site. In other words, it appears that the POD is not accessible to the general public at this time.

We appreciate the opportunity to review this FEIS. If we may provide further explanation of our comments, please contact me at 303-312-6004 or Carol Anderson of my staff at 303-312-6058.

Sincerely,



Larry Svoboda  
Director, NEPA Compliance and Review Program  
Ecosystems Protection and Remediation